



ATTORNEY DOCKET NO. 21127.0008U1  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Lee et al. ) Art Unit: 1612  
Application No.: 10/502,495 ) Examiner: Maewall, S  
Filing Date: June 24, 2005 ) Confirmation No.: 5458  
For: DERMAL APPLICATION SYSTEM )  
FOR AMINOLEVULINIC )  
ACID-DERIVATIVES )

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BALLARD SPAHR  
ANDREWS & INGERSOLL LLP  
Customer Number 23859

Dear Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, Applicants now submit a list of documents known to Applicants or Applicants' attorneys. In view of the Federal Circuit Court of Appeals' decision in *McKesson Information Solutions, Inc. v. Bridge Medical Inc.*, 487 F.3d 897 (Fed. Cir. 2007), Applicants also provide a list of documents from the prosecution of foreign and U.S. patent applications.

Applicants have not included copies of cited U.S. patents or published U.S. patent applications. But, pursuant to 37 C.F.R. § 1.98(a)(2)(iv), and for the Examiner's review, Applicants have enclosed copies of the following: (1) cited foreign patents, (2) non-patent publications, and (3) documents from the prosecution of foreign and U.S. patent applications.

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Regarding category (3), documents from the prosecution of foreign and U.S. patent applications, Applicants note that 37 C.F.R. § 1.98(b) does not mention, and thus does not require, that Applicants must provide any particular set of identifying information. While 37 C.F.R. § 1.98(a)(1) requires Applicants to provide a list of such documents, it does not require Applicants to include in that list specific identifying information. 37 C.F.R. § 1.98(a)(2)(iv) further requires Applicants to provide a copy of such documents (see APPENDIX A). Thus, the rules do not require that Applicants provide any particular set of information about the documents in category (3) prior to the Examiner's consideration of all the cited information. Nevertheless, in order to be as helpful as possible, Applicants have provided (a) information regarding the source of the documents, and (b) a title or description of each document. The prosecution record of either a foreign patent application or a U.S. patent application is the source for each document. Accordingly, in the list required by 37 C.F.R. § 1.98(a)(1), Applicants have provided information about the source of each document. The information provided mirrors the requirements for cited foreign patent applications and U.S. patent applications as set forth by 37 C.F.R. § 1.98(b). For at least these reasons, Applicants respectfully request consideration of all documents submitted in the present Information Disclosure Statement.

Pursuant to M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3), Applicants now bring to the attention of the Examiner the following co-pending U.S. patent applications. The pending applications identified with an asterisk (\*) are stored in the USPTO's Image File Wrapper (IFW) system. In accordance with the waiver to 37 CFR § 1.98(a)(2)(iii) dated September 21, 2004, Applicants have not included copies of the cited specifications, which include the claims and drawings thereof.

**INFORMATION DISCLOSURE STATEMENT LIST**  
pursuant to M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3)  
for Application No. 10/502,495 (Attorney Docket #: 21127.0008U1)  
**DISCLOSURE OF CO-PENDING U.S. PATENT APPLICATIONS**

| Initials | No.<br>Cited | U.S. Patent<br>Application # | Filing Date | First Inventor | Attorney Docket<br># |
|----------|--------------|------------------------------|-------------|----------------|----------------------|
|          | 1            | *10/332,547                  | 09/30/2003  | Lee, G.        | 21127.0007U1         |

Applicants submit for the Examiner's consideration, copies of Office Actions, Amendments, Responses, and other correspondence from the prosecution of the following U.S. patent applications. Pursuant to 37 C.F.R. § 1.98(a)(2)(iv), Applicants have enclosed a copies of each document. APPENDIX A lists these documents, provides identifying information, and includes a column for the Examiner's initials.

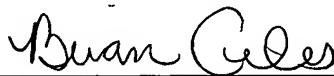
**INFORMATION DISCLOSURE STATEMENT LIST**  
pursuant to 37 C.F.R. § 1.98(a)(1)-(2) and (b)(3)  
for Application No. 10/502,495 (Attorney Docket #: 21127.0008U1)  
**Disclosure of U.S. Patent Applications for which Applicants provide  
prosecution-related documents (see APPENDIX A)**

| Initials | No. | U.S. Patent<br>Application # | Filing Date | First Inventor | Attorney Docket # |
|----------|-----|------------------------------|-------------|----------------|-------------------|
|          | 1.  | 10/332,547                   | 09/30/2003  | Lee, G.        | 21127.0007U1      |

Because the Examiner has not mailed a final action under MPEP § 1.113, Applicants believe that this Information Disclosure Statement is filed in a timely manner pursuant to 37 C.F.R. § 1.97(c)(2) with the accompanying fee set forth in § 1.17(p). Therefore, Applicants request that the Examiner consider the cited documents and make the same of record in the prosecution of this application (U.S. Patent Application No. 10/502,495).

Applicants enclose a Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$180.00, which represents the fee under 37 C.F.R. § 1.17(p). Applicants believe that this is the correct payment amount; however, Applicants hereby authorize the Commissioner to charge to Deposit Account No. 14-0629 any additional fees that may be required, or to credit any overpayment.

Respectfully submitted,

  
P. Brian Giles, Ph.D.  
Registration No. 57,896

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any mail stop request for continued examination items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
\_\_\_\_\_  
P. Brian Giles, Ph.D. Date

11-21-2008

# **ATTENTION!!! ATTENTION!!! ATTENTION!!!**

The attached document is provided as part of **APPENDIX A**, which is included as part of an **Information Disclosure Statement** for the following U.S. patent application.

**Application No.:** 10/502,495

**Filing Date:** June 24, 2005

**For:** DERMAL APPLICATION SYSTEM FOR AMINOLEVULINIC  
ACID DERIVATIVES

**Inventor:** Lee et al.

**Art Unit:** 16125

**Examiner:** Maewall, S.

**ATTORNEY DOCKET NO.** 21127.0008U1

- This document is a COPY of the original prosecution document from a foreign application
- This document is NOT being submitted as a separate or original filing
- Please DO NOT RECORD or FILE this document in the Application identified therein, and please do not charge any fees associated therewith
- This document is being submitted SOLELY as part of an INFORMATION DISCLOSURE STATEMENT for APPLICATION No. 11/988,511.

## IDS PROSECUTION DOCUMENT COVER SHEET

### ATTENTION:

The documents listed in the table below are being provided in an **Information Disclosure Statement for Lee et al., Application No. 10/332,547** (see APPENDIX A).

These documents are copies of the prosecution documents from another application and are not being submitted as a separate or original filing.

Please do not record or file these documents in the Application identified therein or charge any fees associated therewith.

| Attorney Docket # | Application No. | Inventor | Application Filing Date | Document                                 | Date of Document |
|-------------------|-----------------|----------|-------------------------|--|------------------|
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               |  |                  |
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               | Response after Non-Final Action          | 09-17-2008       |
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               | Non-Final Rejection                      | 03-19-2008       |
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               | Preliminary Amendment                    | 12-20-2007       |
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               | Response to Election / Restriction Filed | 12-18-2007       |
| 21127.0008U1      | 10/502,495      | Lee, G.  | 6/24/2005               | Restriction Requirement                  | 10-18-2007       |
|                   |                 |          |                         |  |                  |
|                   |                 |          |                         |  |                  |
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**ATTORNEY DOCKET No. 21127.0008U1  
PATENT**

**APPENDIX A**

**Supplemental Information Disclosure Statement List**

**Pursuant to 37 C.F.R. § 1.98(a)(1)-(2) and (b)(3)-(4) for**

**for Application No. 10/502,495 (Attorney Docket #: 21127.0008U1)**

**LIST OF PROSECUTION DOCUMENTS FROM U.S. PATENT APPLICATIONS**

| Initials | Attny. Docket #: | Application No. | Inventor | Application Filing Date | Document  | Date of Document |
|----------|------------------|-----------------|----------|-------------------------|---|------------------|
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Amendment and Response after Non-Final Rejection    | 10-31-2008       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Examiner Interview Summary                          | 07-23-2008       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Non-Final Rejection                                 | 06-02-2008       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Request for Continued Examination                   | 02-29-2008       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Amendment after Final Rejection and Advisory Action | 02-29-2008       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Advisory Action                                     | 12-21-2007       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Amendment after Final                               | 12-04-2007       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Final Rejection                                     | 07-31-2007       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Amendment and Response after Non-Final Rejection    | 05-16-2007       |
|          | 21127.0007U1     | 10/332,547      | Lee, G.  | 09/30/2003              | Non-Final Rejection                                 | 01-16-2007       |

**Supplemental Information Disclosure Statement List**

**Pursuant to 37 C.F.R. § 1.98(a)(1)-(2) and (b)(3)-(4) for**

**for Application No. 10/502,495 (Attorney Docket #: 21127.0008U1)**

**LIST OF PROSECUTION DOCUMENTS FROM FOREIGN PATENT APPLICATIONS**

| Initials | Attny. Docket #: | Country | Application No. | Applicant   | Application Filing Date | Document   | Date of Document |
|----------|------------------|---------|-----------------|---|-------------------------|--|------------------|
|          |                  | PCT     | PCT/EP01/08131  | Medac Gesellschaft Fur Klinische Spezialpraparate MBH | 07-13-2001              | Int'l. Preliminary Report on Patentability and Written Opinion | 1-23-02          |
|          |                  | PCT     | PCT/EP01/08131  | Medac Gesellschaft Fur Klinische Spezialpraparate MBH | 07-13-2001              | Int'l. Search Report   | 9-21-01          |
|          |                  | PCT     | PCT/EP03/00406  | Photonamic GMBH & Co. KG                              | 01-16-2003              | Int'l. Search Report   | 7-30-03          |